

ARTICLE I, Collection and Disposal [Adopted 4-1-1960 as Art. 931 of the 1960 Code]

- § 165-1. Title.
- § 165-2. Definitions; word usage,
- § 165-3. Authorization of collectors. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-4. License required. [Amended 2-26-1990 by Ord. No. 89-20; 4A-1994 by Ord. No. 94-08]
- § 165-5. Preparation of refuse. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-6. Refuse containers requirements. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]
- § 165-7. Container requirements.
- § 165-8. Frequency of collection. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-9. Sanitation trucks. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-10. Contagious disease refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]
- § 165-11. Flammable or explosive refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-081]
- § 165-12. Disposal by individuals. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]
- § 165-13. Unlawful deposit of refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]
- § 165-14. Unlawful handling of refuse. (Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-081)
- § 165-15. License regulations. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-16. Violations and penalties. (Amended 2-26-1990 by Ord. No. 89-20)

ARTICLE II, Collectors (Adopted 5-18-1981 by Ord. No. 81-06 (Art. 933 of the 1960 Code))

- § 165-17. Dumping regulations. (Amended 2-26-1990 by Ord. No. 89-20)
- § 165-18. Permit required. (Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]
- § 165-19. Permit term. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-20. Permit fees. [Amended 2-26-1990 by Ord. No. 89-20]
- § 165-21. Health Department supervision. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-081]
- § 165-22. Issuance of regulations. (Amended 4-4-1994 by Ord. No. 94-08]
- § 165-23. Permit revocation. [Amended 4-4-1994 by Ord. No. 94-08]
- § 165-24. Hazardous wastes. (Amended 2-26-1990 by Ord. No. 89-20]
- § 165-25. Violations and penalties. [Amended 2-26-1990 by Ord. No. 89-20]

ARTICLE III, Recycling [Adopted 2-26-1990 by Ord. No. 89-09 (Art. 935 of the 1960 Code)]

- § 165-26. Authority.
- § 165-27. Purpose and goals.
- § 165-28. Definitions.
- § 165-29. Recycling program.
- § 165-30. Residential establishments.
- § 165-31. Commercial, institutional and municipal establishments.

- § 165-32. Leaf waste.
 - § 165-33. Franchise or license.
 - § 165-34. Collection by unauthorized persons.
 - § 165-35. Public notice and education.
 - § 165-36. Enforcement and administration. (Amended 9A-1994 by Ord. No. 94-08]
 - § 165-37. Violations and penalties.
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§ 165-1. Title.

This article shall be known and may be cited as the "Municipal Refuse Collection Ordinance of Lower Paxton Township."

§ 165-2. Definitions; word usage.

- **A.** For the purposes of Articles I, II and III of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- **B.** As used in Articles I, II and III, the following words shall have the meanings indicated:

ALUMINUM CANS -- Empty all-aluminum beverage and food containers.

ASHES -- The residue from the burning of wood, coal, coke or other combustible materials.

BIMETALLIC CANS -- Empty food and beverage containers consisting of a steel (ferrous) cylinder and bottom and an aluminum top.

COLLECTOR -- The sole proprietorship, partnership or corporation with which Lower Paxton Township contracts to undertake curbside recycling collection.

COMMERCIAL ESTABLISHMENT -- Those properties used primarily for commercial or industrial purposes, such purposes being set forth in Chapter 203, Land Use and Zoning, excluding, however, those establishments which are institutional or municipal as hereinafter defined. In addition, "commercial establishment" shall include multifamily rental housing properties with four or more units.

CORRUGATED PAPER -- Paper or pasteboard contracted into parallel grooves and ridges, commonly referred to as "cardboard," which is used for wrapping, packing, shipping and/or storage.

CURBSIDE RECYCLING COLLECTION -- The scheduled collection and transport of recyclable materials placed at the curblineline or other similar location by residential establishments.

DWELLING -- A building used for residential purposes, except hotels, boarding and lodging houses, tourist cabins and motels.

DWELLING UNIT -- One or more rooms in a dwelling and having a kitchen with fixed cooking facilities arranged for occupancy by one family.

GARBAGE -- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GLASS CONTAINERS -- All empty bottles and jars made of clear, green or brown glass, and shall not include non-container glass, plate glass, blue glass and porcelain and ceramic products, light bulbs and fluorescent tubes.

HIGH-GRADE OFFICE PAPER -- Printed or unprinted sheets, shavings and cuttings of sulphite or sulphate ledger, bond, writing and other pages which have similar fibre and filler content. This grade must be free of treated, coated, padded or heavily printed stock. This includes lightweight office papers, i.e., bond, xerox paper and onionskin, as well as computer paper.

INDIVIDUAL -- Someone occupying a dwelling.

INSTITUTIONAL ESTABLISHMENT -- Those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, child day-care centers, libraries and nonprofit associations.

LEAF WASTE -- Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

MULTIFAMILY DWELLINGS -- A residence having two or more dwelling units per structure.

MUNICIPAL ESTABLISHMENT -- Public facilities operated by Lower Paxton Township and other governmental and nongovernmental authorities.

NEWSPAPER -- Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts typically included with newspapers, nor does "newspaper" include magazines or periodicals.

PERSON -- Any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person"

shall include the officers and directors of any corporation or other legal entity having officers and directors.

PLASTICS -- All plastic materials as set forth by the recycling regulations.

RECYCLABLE MATERIALS -- Those materials specified by Lower Paxton Township to be recycled.

RECYCLING -- The separation, collection, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as solid waste or the mechanized separation and treatment of solid waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the generation of energy.

REFUSE -- All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RESIDENTIAL ESTABLISHMENT -- Any occupied single or multifamily dwelling, except multifamily rental housing properties with four or more units.

RUBBISH -- Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SOLID WASTE -- All refuse (garbage and rubbish) and other discarded solid material normally collected by private haulers.

SOURCE-SEPARATED RECYCLABLE MATERIALS -- Recyclable materials that are separated from solid waste at the point of origin for the purpose of recycling.

STEEL CANS -- Empty all-steel beverage and food containers.

TOWNSHIP -- The Township of Lower Paxton.

§ 165-3. Authorization of collectors. [Amended 2-26-1990 by Ord. No. 89-20]

- **A.** It shall be unlawful for any person, firm, partnership or corporation, other than those duly authorized by the township, to collect and haul refuse of any nature within or from the township.
- **B.** The Board of Supervisors, after public advertisement of competitive bids, shall designate one person, firm, partnership or corporation as the Township Collector. Said Township Collector shall have the exclusive right and obligation to collect and haul refuse in and from the township except that commercial, institutional and municipal establishments, as defined in § 165-2, may contract with collectors other than the Township Collector. If

any aforementioned establishment wishes to use a collector other than the Township Collector, that establishment must apply for a permit which shall designate the collector who may haul refuse from the named establishment.

- **C.** All residential establishments, as defined in § 165-2, shall participate individually in the solid waste contract with the Township Collector as provided in Subsection B of this section. [Added 6-18-1990 by Ord. No. 90-5]

§ 165-4. License required. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

Except as otherwise herein expressly provided, all refuse in the township shall be collected, transported and disposed of by collectors licensed by the township and not by any other personal firm, partnership or corporation.

§ 165-5. Preparation of refuse. [Amended 2-26-1990 by Ord. No. 89-20]

1. **A.** Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.
2. **B.** Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

§ 165-6. Refuse containers requirements. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

Refuse containers shall be provided by the owner, tenant, lessor or occupant of the premises. The containers may be made of metal, plastic or rubber, equipped with suitable handles and tight-fitting covers, and shall be watertight and have a capacity of not more than 33 gallons. Refuse containers shall be of a type approved by the Health Officer and shall be kept in clean, safe and sanitary condition at all times. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect likely to injure any person collecting the contents thereof shall be promptly replaced upon notice.

§ 165-7. Container requirements.

- **A.** Ash containers shall be made of metal and have a capacity of not more than 12 gallons.
- **B.** Rubbish containers shall be of a kind suitable for collection purposes and shall be of such weight that they can be handled by one man.

§ 165-8. Frequency of collection. [Amended 2-26-1990 by Ord. No. 89-20]

- **A. Residential.** Refuse produced in dwellings shall be collected at least once each week.
- **B. Commercial, institutional and municipal.** Refuse produced in commercial, institutional and municipal establishments shall be collected at least once a week. If necessary to protect public health, refuse produced in such establishments shall be collected more frequently upon written notification of the Health Officer. Haulers of commercial solid waste shall not begin pickup prior to 6:30 a.m. [Amended 4-4-1994 by Ord. No. 94-08]

§ 165-9. Sanitation trucks. [Amended 2-26-1990 by Ord. No. 89-20]

Trucks for the removal of refuse shall be metal, securely covered, watertight, strongly built, kept thoroughly cleansed and well painted and must, on each side thereof, have painted the name of the contractor, telephone number and truck number in letters of a size to be easily legible. Open trucks or trucks covered with tarps will not be acceptable for this work.

§ 165-10. Contagious disease refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

Removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the Health Officer of the township. Such refuse shall not be placed in containers for regular collections.

§ 165-11. Flammable or explosive refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Health Officer at the expense of the owner or possessor thereof.

§ 165-12. Disposal by individuals. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

The Health Officer may, if, in his discretion, it is necessary and not inconsistent with the intent of this article, issue a special permit authorizing the actual producer of refuse or the owner of the premises upon which it is accumulated to collect, transport and dispose of such refuse.

§ 165-13. Unlawful deposit of refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

No person shall deposit or cause to be deposited refuse in any street, alley or other public place or in any stream or other body of water or upon private

property, whether owned by such person or not, within the township unless it is in proper receptacles for collection or under express permit granted by the Health Officer.

§ 165-14. Unlawful handling of refuse. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

No person shall molest, collect, transport through the streets or interfere with receptacles containing refuse or the contents thereof except those employees of licensed collectors or those persons to whom the Health Officer may have granted specific permits therefor.

§ 165-15. License regulations. [Amended 2-26-1990 by Ord. No. 89-20]

Licensing of haulers of solid waste shall be regulated by the provisions of Article II of this chapter.

§ 165-16. Violations and penalties. [Amended 2-26-1990 by Ord. No. 89-20]

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 165-17. Dumping regulations. [Amended 2-26-1990 by Ord. No. 89-20]

Every individual, partnership, firm or corporation collecting refuse or solid waste within the boundaries of Lower Paxton Township shall dump all such refuse collected within the boundaries of the township at an approved sanitary landfill or resource recovery facility existing and operating in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

§ 165-18. Permit required. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

Every individual, partnership, firm or corporation collecting and hauling refuse, solid waste or recyclable materials for commercial, institutional or municipal establishments, as defined in § 165-2, shall obtain a permit from the Health Officer.

§ 165-19. Permit term. [Amended 2-26-1990 by Ord. No. 89-20]

All permits shall be issued for a period of one year commencing on January 1 and ending on December 31. Such permits are not transferable.

§ 165-20. Permit fees. [Amended 2-26-1990 by Ord. No. 89-20]

All persons collecting trash, refuse, solid waste or recyclable materials in the township shall pay a fee as set forth from time to time by resolution of the Board of Supervisors for the use of one truck and a fee as set forth from time to time by resolution of the Board of Supervisors for each additional truck, annually, for a permit enabling them to operate within the township.

§ 165-21. Health Department supervision. [Amended 2-26-1990 by Ord. No. 89-20; 4-4-1994 by Ord. No. 94-08]

The direction, supervision and control of the Health Department shall be by the Health Officer under the direction of the Township Manager. The Health Officer shall generally supervise the collection and disposal of solid waste in the township.

§ 165-22. Issuance of regulations. [Amended 4-4-1994 by Ord. No. 94-08]

The Health Officer is hereby empowered to issue regulations governing the collection of trash and solid waste within the township.

§ 165-23. Permit revocation. [Amended 4-4-1994 by Ord. No. 94-08]

The Health Officer is empowered to revoke or suspend any permit issued under the provisions of this article, after hearing, for just cause.

§ 165-24. Hazardous wastes. [Amended 2-26-1990 by Ord. No. 89-20]

Hazardous waste, as defined by the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, shall not be dumped or disposed at a sanitary landfill or resource recovery facility.

§ 165-25. Violations and penalties. [Amended 2-26-1990 by Ord. No. 89-20]

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article or any regulations issued pursuant to this article or who or which fails or refuses to comply with any notice, order or direction of any officer or employee of the township given pursuant to the authority conferred herein shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is

permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 165-26. Authority.

This article is enacted pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988 (P.L. 556, No. 101), 53 P.S. § 4000.101 et seq.

§ 165-27. Purpose and goals.

It is the purpose and goal of this article to:

- **A.** Require waste reduction and recycling as a means of managing solid waste, conserving resources and supplying energy.
- **B.** Protect the public health, safety and welfare from the short-term and long-term dangers of collection, transportation, processing and storage of solid waste.
- **C.** Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- **D.** Establish and implement within the township a recycling program to return valuable materials to productive use to conserve energy and to protect capacity at waste processing and disposal facilities.
- **E.** Recycle at least 25% of all solid waste and source separated recyclable materials generated in this township on and after January 1, 1997.
- **F.** Reduce the weight or volume of solid waste generated per capita in this township on January 1, 1997, to a weight or volume less than that generated per capita on the effective date of this article.
- **G.** Teach each person living or working in the township the economic, environmental and energy value of recycling and waste reduction and encourage, through a variety of means, participation in such activities.
- **H.** Promote the procurement and use of products and materials with recycled content and materials that are recyclable by the township to the greatest extent practicable.

§ 165-28. Definitions.

Terms used in this article shall have the meanings indicated in § 165-2 of this chapter.

§ 165-29. Recycling program.

There is hereby established a program for the mandatory source separation of recyclable materials from solid waste by persons located in Lower Paxton Township.

§ 165-30. Residential establishments.

- **A.** Residents of residential establishments are hereby required to separate all recyclable materials as specified by regulation from other solid waste generated at their homes, apartments and other residential establishments and to store such materials in compliance with the Township Code until collection.
- **B.** Recyclable materials from residential establishments shall be placed at the curb or other similar area, separate from solid waste, for collection at such times and dates as may be established by regulation. Such regulations shall schedule a minimum of one day per month for pickup of recyclables from residential establishments.

§ 165-31. Commercial, institutional and municipal establishments.

- **A.** Commercial, institutional and municipal establishments are hereby required to separate all recyclable materials as specified by regulation and to store such material in compliance with the Township Code until collection. The times, dates and places for collection shall be established by regulations. Such regulations shall schedule a minimum of one day per month for pickup of recyclables from commercial institutional and municipal establishments.
- **B.** The owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units may comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for noncompliance of occupants of their buildings.
- **C.** The township shall exempt persons occupying commercial, including multifamily rental housing properties with four or more units, institutional and municipal establishments within its boundaries from the requirements of the curbside recycling program if those persons have otherwise provided for the recycling of materials required to be recycled by this article. [Amended 11-16-1992 by Ord. No. 92-07]

§ 165-32. Leaf waste.

All persons who reside in residential establishments and all persons who are responsible for the operation of commercial, institutional and municipal establishments who gather leaves shall source separate all leaves and place them for collection at the times and in the manner prescribed by regulation unless those persons have otherwise provided for the composting of leaf waste.

§ 165-33. Franchise or license.

The township may enter into a contract with public or private agencies for the curbside collection of all or part of the recyclable materials within its municipal boundaries.

§ 165-34. Collection by unauthorized persons.

From the time of placement of recyclable materials at the curb or a similar area for collection in accordance with this article, those materials shall be and become the property of the township and the authorized collectors. It shall be a violation of this article for any person(s) not authorized by the township to collect or pick up or cause to be collected or picked up any such recyclable material. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 165-35. Public notice and education.

The township shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements as required by the Municipal Waste Planning, Recycling and Waste Reduction Act.

§ 165-36. Enforcement and administration. [Amended 9-4-1994 by Ord. No. 94-08]

The Township Health Officer or his or her designee is authorized and directed to enforce this article. The Health Officer is also hereby authorized and directed to establish and promulgate reasonable regulations as to manner, materials, days and times for the collection of recyclable materials and any other matters required to implement this article in accordance herewith. The Health Officer or his or her designee may change, modify, repeal or amend any portion of said regulations at any time.

§ 165-37. Violations and penalties.

Any person, firm or corporation who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby

authorized to seek equitable relief, including injunction, to enforce compliance herewith.